Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1286
Bill #: SB 115
Document ID #: 2961
Bill Subject/Title: AN ACT relating to adult-oriented businesses.
Sponsor: Senator Lindsey Tichenor
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Code enforcement; fiscal court
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 115 Section 2 of the bill establishes definitions for the adult-oriented businesses that are the subject of the bill. SB 115 Section 3 would create a new section of KRS Chapter to prohibit location of an adult-oriented business within 1,000 feet of a various establishments. An adult-oriented business operating in compliance with SB 115 would not be in violation, if one of the establishments listed within the bill, subsequently moved within 1,000 feet of the adult-oriented business.

SB 115 Section 5 allows any currently operating adult-oriented businesses to continue operating, but must conform with the requirements of Section 3 by June 30, 2025.

SB 115 Section 6 would establish that local governments may continue to enforce their preexisting local laws regulating such businesses and retain their authority to adopt laws on the subject of adult-oriented businesses that conform with SB 115. That section also provides that the Act does not preempt any local government law regulating adult-oriented businesses that are at least as restrictive as the requirements of the Act.

The fiscal impact of SB 115 on local governments would be minimal to moderate, depending on the size of the jurisdiction.

SB 115 does not mandate that local governments enact laws regulating adult-oriented businesses; however, a local government that chooses, or has chosen, to do so must ensure its laws conform to the requirements of the bill. Many Kentucky cities and counties currently have ordinances regulating the siting of adult-oriented businesses through zoning. The bill would require that they review their ordinances for conformity and, if necessary, amend them to conform. Amending ordinances would require the services of an attorney, and publication costs. According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. The latest estimate of the sum paid by cities to their attorneys is an average hourly rate of \$107-\$117. Rates for publishing legal notices vary greatly depending on the length of the notice, the number of times it needs to be published and the newspaper in which the publication is placed. In 2022, the City of Hopkinsville spent approximately \$12,000 publishing ordinances and notice of public hearings. One city newspaper reports that it charges the city \$18-\$21 dollars a column inch for city advertisements. It reports the average city advertisement is approximately 2"x5" or 10 column inches, for an average of \$180-\$210 per ad, or a total between approximately \$9,360-\$10,920 per year for publishing one ad each week.

The cost of enforcing the requirements of SB 115 would not impact local governments that currently have and enforce regulations regarding the siting of adult-oriented businesses. Those that do not and choose to enact such regulations or ordinances would incur additional, indeterminable code enforcement expense. This writing assumes that in local jurisdictions that don't have a code enforcement officer the requirements of SB 115 would be enforced by the Commonwealth, and would not be an expense to local government.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to SB 115 as introduced. There is no earlier version for comparison.

Data Source(s): Kentucky League of Cities; City of Hopkinsville; local newspaper

Preparer: Mary Stephens (JB) **Reviewer:** KHC **Date:** 3/2/23